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Attorneys for Plaintiff BOVIS LEND LEASE, INC. as assignee of LNR-LENNAR
 BRANNAN STREET, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

BOVIS LEND LEASE, INC. as assignee of LNR-
 LENNAR BRANNAN STREET, LLC

Plaintiff,

vs.

MBH ARCHITECTS, INC. aka MCNULTY
 BRISKMAN HEATH and DOES 1 through 150,
 inclusive,

Defendant.

CASE NO. C 07-05262 JSW

**DECLARATION OF S. MITCHELL
 KAPLAN IN SUPPORT OF
 OPPOSITION TO MOTION FOR
 LEAVE TO FILE A THIRD PARTY
 COMPLAINT AGAINST LNR-
 LENNAR BRANNAN STREET, LLC**

Date: April 4, 2008
 Time: 9:00 a.m.
 Judge: Hon. Jeffrey S. White

1. I, S. MITCHELL KAPLAN, declare
2. I am an attorney at the law firm of Gordon & Rees and am one of the attorneys for
 BOVIS LEND LEASE, INC. as assignee of LNR-LENNAR BRANNAN
 STREET, LLC in the above-captioned matter.

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